



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,207	09/04/2003	David A. Norton	NNE	6998
20191	7590	07/01/2005	EXAMINER	
DAVID KIEWIT 5901 THIRD ST SOUTH ST PETERSBURG, FL 33705			NOLAND, KENNETH W	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/655,207

Applicant(s)

NORTON, DAVID A.

Examiner

Kenneth W. Noland

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09-04-03</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3653

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. ***.In regard to this ,it is noted in figures 1 and 3 that the vacuum head 34 is mounted at the top of the plate 36. This configuration is not understood because it would appear that the vacuum head would need to be located on the bottom of the plate to pick up a napkin at an uppermost part of the napkin stack. Clarification is required. Also the operation of the back and forth reciprocating of the vacuum head, noted in the specification on page 5, by use of the swing arms 38 and the crank 42 and the upper and lower linkages 44,46 is also not clearly understood. How is the back and forth reciprocation affected by the linkage members (38,42,44,46)? Clarification is required.. Finally, the specification on page 5 and claim 1 recites that the vacuum head is vertically spaced from the fixed portion 48 of the pick-and-place member 31 by a distance more than the common "fold length" of a napkin. However, would not the distance be of the --unfolded length-- of a napkin, as it would be this unfolded length that is of concern when the napkin would become unfolded to pick up dirt or lubricants. Clarification is required. New matter is not permitted.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3653

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to this, claim 4 recites "the crank" and there is no proper antecedent basis for this recitation. In claim 9, the recitation of the "independently of steps b) through f)" does not have proper antecedent basis, for step f. Correction is required.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7,8,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bliss in view of either Glaser or Chirnomas and Shaw. As the claims would be understood, *Bliss discloses the method of dispensing an article from a stack, as the vertical stack in figure 8, where the uppermost article is conveyed by a pick up head 102 to a delivery point 112 by the turning on of a motor(not shown) to activate the conveyor(see col 2, lines 15-17). The vacuum in the pick up head is discharged to release the article over the delivery point (see col 2, lines 58-62) *. To provide that Bliss' conveyor would stop at the delivery point, would be obvious in view of the teachings of either Glaser which discloses in col 5, lines 30-33 the use of deactivating a controller 17 to also convey articles when the conveyor is over a delivery point 74 or in view of the

Art Unit: 3653

teachings of Chirnomas which discloses in col 6 lines 54-61 the use of deactivating the motor 32, as well as the motor 42 for the vacuum pick-up device, when the article is positioned at a delivery station so as to ensure the delivery of a single article at its delivery point. Bliss discloses in col 4, lines 14-17 the use of dispensing other articles. To provide that Bliss would dispense napkins would be obvious in view of the teachings of Shaw 's use of the dispensing and handling of napkins (see the abstract) so as to dispense a variety of articles. In regard to claim 8, the use of a shut-off switch for the stopping means for the conveyor would be obvious as an admitted 'well known' device to effect the delivery of a single article, as noted n page 6 , lines 15-16 of the specification ,and , therefore, this well known feature is not afforded any patentable weight. Finally, in regard to claim 11, it would be inherent that a plurality of articles would be dispenses as each time the start-up motor is turned on.


7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Bliss in view of either Glaser or Chirnomas and Shaw** as applied to claims 7,8,10 and 11*** above, and further in view of **Dunbar et al*. As claim 9 would be understood, to provide that Bliss's stack of articles is maintained at a selected height by a sensor and motor, would be obvious in view of the teachings of Dunbar et al which discloses the use of a height sensor 74 to operate a motor 72 to maintain a selected stack height.

8. If the deficiencies in paragraphs 2 and 4 are corrected, then claims 1-6 would be considered to define patentable matter over the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth W. Noland whose telephone number is (571) 272-6941. The examiner can normally be reached on Monday-Thursday ,each week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KENNETH W. NOLAND
PRIMARY EXAMINER